

REMARKS/ARGUMENTS

The 4/12/06 Office Action rejected all of the pending claims. The present amendment, amends claims 1, 9, 10, 19, 21, 23, 31, 32, and 34. As discussed in more detail below, it is respectfully submitted that with the amendments provided herein, the claims are patentable, and reconsideration is requested.

On July 6, 2006 the undersigned spoke briefly with the Examiner Harbeck regarding one of the references (Corrin (US 2002/0035527 A1) relied on in rejecting many of the pending claims. The Examiner's courtesy during the telephone conversation is greatly appreciated. During the conversation it was noted that while the Corrin reference text refers to a number of different figures, the published Corrin application appears to contain only a single figure. The Examiner explained that the rejections set forth in the 4/12/06 Office Action were focused on the text of Corrin cited in the Office Action.

Claims 23-33 were rejected under 35 USC 112 second paragraph. Claims 23, 31 and 32 have been amended as shown below to clarify the claims.

Claims 1-7, 13-20, 23-26, and 29-33 were rejected under 35 USC 102(e) as being anticipated by Corrin (US 2002/0035527 A1).

Claims 8-12, 21-22 and 34-35 were rejected under 35 USC 103(a) as being unpatentable over Corrin in view of Stepleman (Dr. Robert Stepleman, "Gauging withdrawals from a retirement portfolio").

Many of the pending claims have been amended as shown above; it should be noted that these amendments are provided to expedite, and focus the prosecution of the pending application, and nothing herein should be taken as an admission that the references discussed herein are in fact prior art, or that such references disclose the

elements of the claims as previously pending. Further, the amendments herein are provided without prejudice to the filing of continuation, or other application pursuing the previous version of the pending claims.

Claims 1-7 and 9-20:

Claim 1 has been amended as shown above. Claims 2-7 and 9-20 depend from claim 1. As amended claim 1 now includes:

providing an in-retirement income stream withdrawal strategy, wherein said income stream strategy provides tax advantages and wherein said income stream withdrawal strategy provides for a first time period where an income stream withdrawal includes one or more of the following sources for withdrawal (1) asset draw down (2) interest, and (3) dividend payouts, and said income stream withdrawal strategy avoids withdrawal of assets from tax deferred accounts during the first time period, and said income stream withdrawal strategy providing for withdrawal from one or more tax deferred accounts during a second time period.

As recognized in the 4/12/06 Office Action, Corrin does not appear to disclose providing an in-retirement income stream withdrawal strategy where the income stream strategy provides for tax advantages as recited previously pending claim 8. In connection with analyzing previous pending claim 8, and other pending claims which recited aspects of a withdrawal strategy, the 4/12/06 Office Action relied on the teaching of the Stepleman reference.

It is respectfully submitted that the Stepleman reference does not appear to disclose an in-retirement withdrawal strategy which provides for a first time period which provides for avoiding the withdrawal of assets from tax deferred accounts, and then for a second time period which provides for withdrawal from one or more deferred accounts. Indeed, a review of the Stepleman reference shows that the focus of the

article is on determining a percentage amount which can be withdrawn from a tax deferred account. For example, the second full paragraph on page 2 of 3 of Stepleman assumes that the account being considered is a tax deferred retirement portfolio, such as an IRA or a 401(k) plan. Stepleman appears to provide no suggestion as to how one would provide for a withdrawal strategy where one is reviewing both tax deferred and non-tax deferred accounts. Further, the teaching of Stepleman appears to be focused on identifying a percentage amount that can be withdrawn to preserve portfolio for a given amount of time. For example, the first two paragraphs on page 3 of 3 of Stepleman discuss withdrawing either 4.5 percent, or 3 percent of an initial amount, and changing the percentage of withdrawal will change the likelihood that the money in the portfolio will last for 40 years. Further, it is noted that the teaching of Stepleman appears to contemplate that the withdrawal strategy provides for withdrawal of income from the tax deferred account throughout the retirement period. It appears that nothing in Stepleman suggests for an in-retirement withdrawal plan which would avoid withdrawal money from a tax deferred account for some period of time during retirement.

In light of the above, it is respectfully submitted that claim 1 is not disclosed or suggested by either of the references. Thus, it is respectfully submitted that claim 1 is patentable. Further, claims 2-7 and 9-20 depend from claim 1 and are respectfully submitted to be patentable for at least the same reasons as claim 1.

Claims 21-22:

Independent claim 21 has been amended to include the following language:

providing an in-retirement income stream withdrawal strategy, wherein said income stream strategy provides tax advantages and wherein said income stream withdrawal strategy provides

for a first time period where an income stream withdrawal includes one or more of the following sources for withdrawal (1) asset draw down (2) interest, and (3) dividend payouts, and said income stream withdrawal strategy avoids withdrawal of assets from tax deferred accounts during the first time period, and said income stream withdrawal strategy providing for withdrawal from one or more tax deferred accounts during a second time period

This element of claim 21 is the same element which was discussed in detail above in connection with claim 1. Thus, the discussion above in connection with claim 1 is applicable to claim 21. Therefore, in light of the above discussion it is respectfully submitted that claim 21 is patentable. Further, claim 22 depends from claim 21 and is submitted to be patentable for at least the same reasons as claim 21.

Claims 23-33:

Claim 23 was amended to clarify the claim. As amended claim 23 provides for generating a cash flow report which includes a number of elements, generating a cash flow versus growth performance report which includes a number of specific elements, and generating a general advice document highlighting under-performing assets of said assets, and making general recommendations for said narrowing or closing of said gap. These three elements of claim 23 and their sub-elements are shown below for ease of reference, with each of the specific reports shown in bold:

generating a cash flow report, said report comprising, ~~but not limited to, any of:~~

an estimated annual cash flow for each asset;
 approximate current yield of each asset;
 current value of each asset;
 dividend reinvestment status for each asset;
 relevant cash flow category benchmarks; and
 a total dollar sum of dividends reinvested for said current calendar year;

generating a cash flow versus growth performance report, said performance report comprising, ~~but not limited to, any of:~~

a list value by yield for each asset;

an annual income by each asset;
 a current yield of each asset;
 1, 5, and/or 10 year total return data;
 current value and relevant cash flow category benchmarks, thereby allowing
 said customer to compare said assets' performance to said relevant cash flow
 category benchmarks and/or appropriate historical performance; and
**generating a general advice document highlighting under-performing assets of
 said assets, and making general recommendations for said narrowing or closing of
 said gap.**

First, with respect to the generating a cash flow report it is noted that the Office Action refers to the text at (0263-0278) of Corrin. This text in Corrin appears to provide for showing periodic returns for an investor's portfolio. See e.g., Corrin, para 0265. Corrin also refers to a "Your Account's Returns" bar chart which provides time weighted returns for the investor's account. See e.g. Corrin 0272. However, the various tables or reports discussed at Corrin (paras 0263-0278) clearly do not provide a cash flow report as recited by claim 23 where the cash flow reports includes the significant specific elements recited by claim 23. Specifically, the cash flow report of claim 23 includes: *estimated annual cash flow for each asset* in the investors portfolio; and *approximate current yield of each asset*; and *a current value of each asset*; and *a dividend reinvestment status for each asset*; and relevant cash flow category benchmarks; and a total dollar sum of dividends reinvested for said current calendar year. Each of these elements provide an investor with specific relevant information *at an individual asset level*, and it is respectfully submitted that this combination of elements in a cash flow report does not appear in the Corrin reference; nor is it suggested by Corrin.

Additionally, claim 23 provides for generating a cash flow versus growth performance report, and this report includes numerous elements: a list value by yield for each asset; and an annual income by each asset; and a current yield of each asset; and 1, 5, and/or 10 year total return data; and a current value and relevant cash flow

category benchmarks, which thereby allow an investor to compare each assets' performance to relevant cash flow category benchmarks and/or appropriate historical performance. As discussed above the text in paras 0263-0278 of Corrin does not appear to provide for reporting elements which are directed to asset level information, and further Corrin clearly does not appear to provide for this unique combination of elements in a cash flow versus growth performance report. Further, in the Office Action Corrin, paras 0137-0141, are also cited as showing elements of a cash flow versus growth performance report. A careful review of the text of paras 0137-0141 appears to show that the Corrin contemplates a "Retirement Track chart". The Retirement Track Chart appears to be clearly directed to providing overall account level information. For example, para 0137 of Corrin discusses establishing a "first account value as the starting point for the chart". Corrin clearly does not appear to provide for specific asset level information elements as included in the cash flow versus growth performance report of claim 23.

In light of the above it is respectfully submitted that Corrin does not disclose or suggest the elements of claim 23. Thus, it is respectfully submitted that claim 23 is patentable over Corrin. Further, claims 24-33 depend from claim 23 and are submitted to be patentable for at least the same reasons as claim 23.

Claims 34-35:

Independent claim 34 has been amended to include an element as follows:

means for providing an in-retirement income stream withdrawal strategy, wherein said income stream strategy provides tax advantages and wherein said income stream withdrawal strategy provides for a first time period where an income stream withdrawal includes one or more of the following sources for withdrawal (1) asset draw down (2) interest, and (3) dividend payouts, and said income stream withdrawal strategy avoids withdrawal of assets from tax deferred accounts during the first time period, and said income stream withdrawal strategy providing for withdrawal from one or more tax deferred accounts during a second time period

The function provided for above corresponds to the function which was described above in connection with claim 1. Thus, the discussion above in connection with claim 1 is applicable to claim 34. Therefore, in light of the above discussion it is respectfully submitted that claim 34 is patentable. Further, claim 35 depends from claim 34 and is submitted to be patentable for at least the same reasons as claim 34.


Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance are respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2001 under Order No. SCHB-4100. **A duplicate copy of the transmittal cover sheet attached to this Response is provided.**

Respectfully submitted,
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